

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELANO THOMAS KIPP,

Defendant.

CR-14-04-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on December 13, 2019. (Doc. 60.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 12, 2019. (Doc. 57.) The United States accused Kipp of violating his conditions of supervised release by 1) by using a controlled substance; 2) by committing another crime; 4) by failing to follow the instructions of his probation officer; and 5) by consuming alcohol. (Doc. 55.)

At the revocation hearing, Kipp admitted to the all of the violations. (Doc. 57.) Judge Johnston found that Kipp's violations warrant revocation, and recommended that Kipp be incarcerated for 7 months, with 25 months of supervised release to follow with credit for the 131 days he has served in state custody. (Doc. 60 at 4.) Kipp waived his rights to objected to Judge Johnston's Findings and Recommendations and to allocute before the undersigned. (Doc. 57.)

The violations prove serious and warrant revocation of Kipp's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 60) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Delano Thomas Kipp be incarcerated for a term of 7 months, with 25 months of supervised release to follow with credit for the 131 days he has served in state custody.

DATED this 17th day of December, 2019.



Brian Morris
United States District Court Judge